

22 OCTOBER 1947

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of  
WITNESSES

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I N D E X  
of  
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
	3342		Volume of the Japan Times and Mail for January and February 1938	31515	
3198-A		3342-A	Excerpt therefrom		31515

1                   Wednesday, 22 October 1947  
2                   -----  
3  
4                   INTERNATIONAL MILITARY TRIBUNAL  
5                   FOR THE FAR EAST  
6                   Court House of the Tribunal  
7                   War Ministry Building  
8                   Tokyo, Japan  
9  
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11

12                   The Tribunal met, pursuant to adjournment,  
13                   at 0930.  
14                   -----  
15

16                   Appearances:  
17

18                   For the Tribunal, all Members sitting, with  
19                   the exception of: HONORABLE JUSTICE R. B. PAL, Member  
20                   from India, not sitting from 0930 to 1600.  
21

22                   For the Prosecution Section, same as before.  
23

24                   For the Defense Section, same as before.  
25                   -----  
26

27                   (English to Japanese and Japanese  
28                   to English interpretation was made by the  
29                   Language Section, IMTFFE.)  
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KIDO

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MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now in session.

THE PRESIDENT: All the accused are present  
except SHIRATORI and HIRANUMA. The prison surgeon of  
Sugamo certifies that both are too ill to attend the  
trial today. The certificate will be recorded and  
filed.

Mr. Chief of Counsel.

- - -

KOICHI KIDO, an accused, resumed the stand  
and testified through Japanese interpreters as  
follows:

CROSS-EXAMINATION

BY MR. KEENAN (Continued):

Q Mr. KIDO, as a minister of state or cabinet  
officer, you attended the Diet sessions ordinarily?

A Yes.

MR. KEENAN: I would ask that the witness  
be handed IPS document No. 3198B. Will you please  
give him the Japanese translation, too.

(Whereupon, a document was handed  
to the witness.)

Mr. President, I might explain to the Court  
that at this time we are formally presenting some  
documents or tendering them, or intend to, and we

are putting them in at this time instead of yesterday because of language difficulties with the hope it will move much smoother.

THE WITNESS: I have seen the document.

Q Do you recall being in the Diet at the time this statement was made by Foreign Minister HIROTA on Friday, February 18, 1938? I beg your pardon: on the 16th; the record is recorded on the 18th.

A I have no recollection.

MR. KLEFMAN: Please, Mr. Clerk, give him the original IPS document 3198B and not the Japanese translation.

(Whereupon, a document was handed

to the witness.)

A (Continuing) I understand the date is February 18. Having never seen this English language newspaper, may I have some assistance in locating this particular article? Oh, I have found it.

Q Do you recognize that to be the English --  
the statement in English of the Japan Times and Mail  
of which you have already examined the Japanese  
translation?

A Generally speaking, the two, that is, this document and the newspaper article now placed before me, seem to be identical; and, although the news-

paper itself indicates wherein the question was made, that does not appear in the document. According to the newspaper article which I have here before me, it appears that the question was, or the interpellation took place, at a meeting of the Budget Committee.

Q Well, wherever it took place, whether in the Diet proper or in the Budget meeting, you were there, weren't you?

A I think I was present because, at a passage following there, there is a report of a reply made by me. However, at the sessions of the Budget Committee, depending on the question on the table, ministers of state are sometimes in the meeting, sometimes out; they are not always there. And during the month of February ministers of state are extremely busy in that they have to appear both in the House of Peers and in the House of Representatives. That being the case, I cannot recall, and I am unable to say whether I was in attendance at this particular meeting where a question was raised by Baron OKURA and replied to by the Foreign Minister HIROTA; that is to say, I cannot say whether I was there actually when this question was brought up.

Q I call your attention, Mr. KIDO, to that

1 part of the newspaper, and you read English, I think,  
2 well enough for this, in which the statement is set  
3 forth that "the Baron pointed out that in the foreign  
4 press of late were published such articles as calumni-  
5 ated the Japanese military in the Shanghai-Nanking  
6 region and observed that the sense of superiority of  
7 the Japanese people has been impressing foreigners none  
8 too favorably." Do you remember hearing that state-  
9 ment made?

10 A Such a thing as that just described by you  
11 is not in my recollection at all. I have learned of  
12 it for the first time by reading the article here.

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1           Q   While we are on the subject, Mr. KIDO,  
2         very briefly, isn't it a fact that your hobby, one  
3         of your hobbies, is reading and that you, during  
4         the war, read biographies of British statesmen and  
5         literary works and that you were reading English  
6         translations of Balzac and Tolstoy; isn't that true?  
7

8           A   Yes, I read various books.  
9

10          Q   The point is, you read the translations of  
11         French books into English and you read them in the  
12         English language as a hobby -- you read them in the  
13         English language; isn't that true?  
14

15          A   Yes, I read these books in English and I  
16         read them in English rather than in their Japanese  
17         translation because the English translation would  
18         better express the sentiments of the author contained  
19         in the book.  
20

21          Q   I am only referring to your knowledge of  
22         the English language, Mr. KIDO; that is all.  
23

24          Did you hear any comment at all in the Diet  
25         or otherwise about the Japanese military being  
26         calumniated in the Nanking area, that is, for what  
27         they did in the Nanking area?  
28

29          A   I have no recollection.  
30

31          Q   Now, returning again to IPS document  
32         No. 3198-B, which is an article in the Japanese  
33

1 Times and Mail of Friday, February 18, 1938, I ask  
2 you, after having read that, do you not recall  
3 HIROTA making the remarks in the Japanese Diet or  
4 the budget meetings, at either place, of the sub-  
5 stance of those set forth in this article?

6 A Even if I see this article I cannot recall.  
7 However, from this article I presume that inasmuch  
8 as Baron OKURA asked me a question and I replied  
9 thereto and do not recall this particular question  
10 and answer, it is probable that immediately after  
11 I answered the interpellation I left this particular  
12 session and went to another committee meeting and,  
13 therefore, was not present.

14 Q But I call your attention to the nature of  
15 the remark made by Foreign Minister HIROTA, and I  
16 quote: "During the early stage of the incident,  
17 the Imperial Government followed a policy of endeavor-  
18 ing to settle the affair locally and preventing the  
19 incident from being amplified." And I emphasize this  
20 for your consideration: "As negotiations could not  
21 be carried on smoothly, it was decided to dispatch  
22 a punitive expedition." Don't you recall that?  
23 Didn't you hear of HIROTA's making that statement  
24 in the Diet, which was published in the newspaper  
25 here in Tokyo?

1           A As I have said before, I believe I was  
2 not present at that particular session.

3           Q But, Mr. KIDO, I assume you will agree that  
4 you could hear things of importance to you even though  
5 you were not present in the particular room where it  
6 was made; isn't that true?

7           A The various or respective ministers of state  
8 are not familiar with the various questions and  
9 replies made at budget sessions and other committee  
10 meetings in the Diet because they are, all of them,  
11 very busy during the Diet session.

12          Q But, Mr. KIDO, that concerned a statement  
13 made by the Foreign Minister about the most important  
14 matter in China and it was within four months of the  
15 time that you joined the cabinet for the main purpose,  
16 as you told this Court in your affidavit, of seeing  
17 what you could do to settle the China matter; isn't  
18 that true?

19          MR. LOGAN: I object to this question, if  
20 the Tribunal please; it is only argumentative.

21          THE PRESIDENT: Mr. Chief of Counsel, do you  
22 wish to be heard on that?

23          MR. KEENAN: I do not, Mr. President.

24          THE PRESIDENT: Those circumstances can be  
25 pointed out to him and we can ascertain from his

1 answer whether we will believe him or not. The  
2 question is allowed.

3 A As I have already stated before, I do not  
4 recall at present whether or not I was present at  
5 this particular session of the budget committee. The  
6 custom at that time was for the various ministers to  
7 move from one committee meeting to another as soon  
8 as his replies to interpellations were completed.  
9 Therefore, I believe that I did not listen to this  
10 interpellation and the reply given thereto. I have  
11 no recollection whatever of having ever heard such  
12 language as expressed here in this document.

13 THE PRESIDENT: You made that perfectly  
14 clear before but it is suggested to you now that the  
15 Foreign Minister HIROTA made an important statement  
16 which you must have known about no matter what partic-  
17 ular ministerial office you held at the time.  
18

19 A (Continuing) This is not a formal statement  
20 or declaration of the Foreign Minister. This was a  
21 reply given during a budget committee session in the  
22 Diet to an interpellation from the floor.  
23

24 THE PRESIDENT: Would that be sufficient to  
25 render this statement of no importance or of little  
importance?

THE WITNESS: It is not a question of whether

KIDO

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1       this statement was important or not important. What  
2       I meant to say was I had no opportunity under such  
3       circumstances to happen to listen to this particular  
4       session.

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10       number of other statements made during the testi-  
11       mony which I could not hear because it  
12       was over my head. I could not hear them.  
13       A. I have given several of my previous answers. This  
14       is just another statement which I made during the  
15       cross examination. It appears to me that you would like  
16       me to repeat some of the things I said. I do not know whether  
17       you want me to do that. I do not know whether  
18       Attorney Kido's attorney would think that he  
19       should have me repeat some of the things I said. I do not  
20       know. I do not know if I am in any position to do any  
21       of that. I do not know if I am in any position to do any  
22       of that. I do not know if I am in any position to do any  
23       of that. I do not know if I am in any position to do any  
24       of that. I do not know if I am in any position to do any  
25       of that.

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1           Q   Then I understand you, Mr. KIDO, that if  
2   such a statement was made by Foreign Minister HIROTA  
3   in the Diet, you have never heard about it until now,  
4   is that correct?

5           A   I have already stated that I have no recollec-  
6   tion whatsoever, and that I am reading of this for the  
7   first time here today.

8           Q   Well enough. Now, let me ask you, Mr. KIDO,  
9   whether or not the statement "As negotiations could not  
10   be carried on smoothly, it was decided to dispatch a  
11   punitive expedition to China," was that true or was it  
12   untrue?

13          A   I have never thought of a punitive force. This  
14   article here is a summarized report given by a news-  
15   paper and is not the official transcript of the Diet  
16   proceedings. It appears to be a summary made by a  
17   newspaper. That being the case I do not know whether  
18   Foreign Minister HIROTA actually used such a word in  
19   the Diet or not, nor am I in any position to pass any  
20   judgment on whether he did so or not.

21          Q   You evidently misunderstood my question be-  
22   cause I asked you about the truth of his statement  
23   regardless of whether or not it was made by him.  
24   What is the fact? I will put it to you, attempt\* to,  
25   plainly. Is it true that as negotiations could not

1           be carried on smoothly, it was decided to dispatch  
2           a punitive expedition of Japanese troops to China  
3           at about that time we are speaking of? What is the  
4           fact?

5           A    I know of no instance of a punitive expedi-  
6           tion ever being sent out.

7           Q    Incidentally, the Japanese Time and Mail is  
8           a newspaper. Was it not recognized as being one of  
9           the reliable and dependable newspaper publications  
10          of Japan at this time which we are discussing?

11          A    I did not read English language newspapers  
12          in those days, and, therefore, I do not know to just  
13          what extent this newspaper was reliable or dependable.

14          Q    I asked you for its general reputation here  
15          in Japan. What do you say as to that? Was it reputed  
16          to be reliable and dependable or not, or do you know?

17          A    I think it is better for me to say I do not  
18          know.

19          Q    Well, it may be better for you to say some  
20          things or not, but I would like to know -- to get the  
21          facts if you are willing to state them, if you know,  
22          since you have seen fit to take the witness stand, and  
23          I will ask you, Mr. KIDO, if--

24          A    I have known from quite a time, quite a number  
25          of years ago, the existence of a newspaper called the

1 Japan Times, but I do not know the character or the  
2 nature of the newspaper after its merger with the  
3 Mail. That is what I am telling you.

4 Q Well, if the statement was made that it was  
5 decided to dispatch a punitive expedition of Japanese  
6 troops to China, and that statement was not true, do  
7 you not figure it would have been sharply challenged  
8 in some manner or another if any newspaper dared to  
9 print such a statement here in Tokyo at the time?

10 If the Court please, at this time the prose-  
11 cution tenders IPS document No. 3198-B, to which I  
12 have been referring, in evidence as part of the cross-  
13 examination of this witness.

14 THE PRESIDENT: I did not hear the answer to  
15 the last question. I do not know whether it is desired  
16 that he should answer it. Apparently there is no  
17 answer.

18 A I think I have already replied to that question.

19 MR. KEENAN: Will the stenographer be good  
20 enough to read it to the Court and tell us?

21 (Whereupon, the question was read  
22 by the official court reporter.)

23 A I have not replied to that question.

24 Q Please do.

25 A I cannot see where the challenge, as you say,

would come from in such a case as this.

THE PRESIDENT: Mr. Logan.

MR. LOGAN: If the Tribunal please, I object to the introduction of prosecution exhibit 3198-B at this time for the following reasons:

First, it is being offered on the defendants' case and there is no evidence before the Tribunal that this document was not available and could not have been offered by the prosecution on its case.

THE PRESIDENT: That ground fails in view of earlier decisions.

MR. LOGAN: Secondly, it is merely a newspaper report. It is not the best evidence. There is no evidence by the prosecution that the proceedings themselves could not have been produced and introduced into evidence, which would be the best evidence.

Thirdly, there is nothing in this document that I can see that impeaches in any way anything that this accused has said.

Furthermore, it is an excerpt from a document and the defense has not been served with any notice pursuant to Rule 6-B, and we don't know what other statements might be in this original document or newspaper which might be introduced by KIDO on his case with respect to anything he said and which would

1       be favorable to him. We are thereby being foreclosed  
2       from an examination of the document and being able to  
3       produce any excerpt during the presentation of our  
4       evidence in favor of KIDO.

5           In addition I fail to see why this matter is  
6       presented against KIDO when it refers to HIROTA. Why  
7       wasn't it presented to HIROTA during his case?

8           At least the production of this type of evi-  
9       dence by the prosecution on its case is merely clutter-  
10      ing up the record, and I can only characterize it by  
11      saying it is unfair.

12       Lastly, this witness has not identified this  
13      as a statement being made by HIROTA, and in all probabil-  
14      ity HIROTA's counsel may want to say a few words with  
15      respect to this too.

16       THE PRESIDENT: By a majority the objection  
17      is overruled, and the document is admitted on the  
18      usual terms.  
19  
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1                   MR. YAMAOKA: May it please the Tribunal, on  
2 behalf of the accused HIROTA I should also like to  
3 register an objection to the admission of this document  
4 at the present time, his case having been closed,  
5 particularly in view of the fact that the witness here  
6 has not identified the document at all. As a matter of  
7 fact, he denies having any recollection of it. Moreover,  
8 I respectfully submit to your Honors that if, after the  
9 close of HIROTA's case, this type of evidence is ad-  
10 mitted from time to time we will simply be obliged to  
11 reopen at a later stage to meet these new issues.

12                  I respectfully submit that this is a matter of  
13 great importance to all the accused in outlining a proper  
14 procedure here to meet such matters as they arise during  
15 the course of this trial.

16                  THE PRESIDENT: A majority has admitted the  
17 document as against the accused KIDO at all events. As  
18 to HIROTA I shall have to take their views again. Hitherto  
19 we have adopted the rule that unless a witness  
20 acknowledges the document it would not be admitted and  
21 this involves a departure from that.

22                  I think we should adjourn to consider the position.

23                  MR. LOGAN: If the Tribunal please, might I just  
24 say one word since you intend to adjourn? We have dis-  
25 cussed this, defense counsel, and we think it is unfair.

1 For example, here is KIDO on the stand now. If at a  
2 later stage, if a statement would be presented which he  
3 is supposed to have made, during the presentation of the  
4 evidence of some other accused, we would have to call  
5 KIDO back to the stand to ask him about it and we are  
6 foreclosed from doing that.

7 THE PRESIDENT: Mr. Chief of Counsel.

8 MR. KEENAN: Mr. President, may I, with great  
9 respect, call the Court's attention if the Court is going  
10 to adjourn to consider this matter that the prosecution  
11 has not been heard from on its theory of the admissibility  
12 of the document?

13 THE PRESIDENT: We have not refused to hear you.  
14 It was our intention to do so, Mr. Chief of Counsel, if  
15 you desire to be heard.

16 MR. KELNAN: Very briefly. In the first place,  
17 for obvious reasons, which in a sense I, as Chief of  
18 Counsel, have agreed not to refer to but had to make a  
19 reservation, we could not question HIROTA about this  
20 matter. Secondly, if it is of any importance, counsel  
21 for KIDO is mistaken when he said it is a mere excerpt  
22 because it completely covers that part of the subject  
23 discussed in the newspaper article. In such a sense it  
24 is not an excerpt

25 And, Mr. President, it is offered on the theory

1 as I stated as part of the cross-examination and, there-  
2 fore, against the accused KIDO. We have various customs,  
3 Mr. President, we have learned in our different national  
4 courts. In our courts, if this Honorable Court is  
5 interested, we do admit documents as against some  
6 accused and not against others in conspiracy cases,  
7 that, Mr. President, even when the issues are being  
8 decided by a jury of laymen and not by a court. Mr.  
9 President, this would be admissible as a statement made  
10 by one of the alleged conspirators during the pendency  
11 and in furtherance thereof. So much, Mr. President,  
12 as to its admissibility, not its timeliness of presenta-  
13 tion.

14 Now, Mr. President, as to the other accused than  
15 KIDO, it does seem to me that there is certainly a point  
16 to consider in the discretion of this Court, whether or  
17 not at this stage it is inconsistent with fairness to  
18 admit it against the other accused. In any court pro-  
19 ceeding, Mr. President, that is nationally largely left  
20 to the discretion of the Tribunal. For that reason,  
21 particularly in view of the wide powers and discretion  
22 given to this learned and honorable Tribunal, I would  
23 feel that I wouldn't care, I wouldn't desire, to  
24 present my views since it is a matter within the dis-  
25 cretion of the Court and concerns an interpretation of

1           the Charter and is a matter solely for the Court.

2           Finally, Mr. President, I think I have no need  
3           to advert to obvious difficulties of the prosecution in  
4           presenting a case to this Tribunal covering such a long  
5           period of time when there was no agency to protect the  
6           government or society in this case working concurrently  
7           with those we accuse of being conspirators in crime.

8           Finally, Mr. President, as to fairness I do  
9           have this suggestion to make. After all it concerns a  
10          pretty simple issue of fact, whether or not the Foreign  
11          Minister of Japan made a statement which appears in a  
12          well known newspaper in quotes concerning a vital  
13          matter to Japan and particularly vital to this accused  
14          if we can believe what he says. If the accused HIROTA  
15          or any other accused wishes to disprove that such a  
16          statement was made, or to meet whatever proof we are  
17          offering, there surely will be ample opportunity and I  
18          have no doubt that this Court, which has presided with  
19          such notable fairness in this trial, will not fail to  
20          accord that opportunity upon request of any of the  
21          accused.

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1           MR. LOGAN: May I answer that briefly, if the  
2         Tribunal please.

3           MR. KEENAN: Mr. President, I ask that the rules  
4         of court be observed that have been rather strictly en-  
5         forced by this Court, that counsel is heard once upon a  
6         subject, so that we can get on with the case.

7           THE PRESIDENT: We have refused to hear you  
8         in reply, Mr. Chief of Counsel, but it is for the Court  
9         to say whether they want to hear any further argument on  
10        this.

11           The majority of the Court desire to hear you,  
12        Mr. Logan.

13           MR. LOGAN: I think it is of sufficient impor-  
14        tance because of the number of attorneys who are not  
15        present here, and I just would like to say a few more  
16        words. The prosecution rested its case. That means what  
17        it says: they rested. I know of no court in the United  
18        States where once the prosecution has rested it is per-  
19        mitted to introduce documentary evidence during the pre-  
20        sentation of the defense case except on reply, and that  
21        reply or rebuttal is only offered in two instances: one  
22        is for the purpose of impeachment or to meet new matter  
23        which has arisen during the presentation of defendant's  
24        case. The law is quite clear. It says that the proponent  
25        must present its entire proof during its case. The defense

1 must know what it has to meet in order to prepare and  
2 present its case, as quoted from Spear v. Abbott,  
3 C. C. D. C., Federal Cases, 13,222. According to  
4 that case: "It makes a party show his hand to his  
5 adversary, prevents his splitting up his proof and  
6 retaining a part for reply, and defeats the fraudu-  
7 lent purpose, if such exists, to make evidence to over-  
8 come and fit the defense."

9 THE PRESIDENT: There are eleven nations  
10 represented here, Mr. Logan, and each may have  
11 different views on this matter. There may be different  
12 rules in different nations about this.

13 MR. LOGAN: Well, let us deal with it  
14 practically with respect to this case.

15 What a travesty of justice it would be if  
16 KIDO, taking the stand in his case, and during the  
17 presentation of UMEZU or TOJO or somebody else at the  
18 end of the line the prosecution offers a statement that  
19 KIDO is alleged to have made, he can't take the stand  
20 to deny it. He is foreclosed under this Court's rul-  
21 ings.

22  
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1                   THE PRESIDENT: Mr. Logan, you are assuming  
2                   that for some purposes we will take a strictly technical  
3                   attitude. The Charter requires a fair trial and under  
4                   the Charter we are not bound by any technical rules,  
5                   not merely of evidence but of procedure. The Tribunal  
6                   is clearly bound to disregard technical rules operating  
7                   in any particular national court if that is necessary  
8                   in the interests of a fair trial.

9                   MR. LOGAN: I appreciate that.

10                  THE PRESIDENT: But still each of us in making  
11                  up his mind as to what is necessary for a fair trial  
12                  will perhaps not overlook the rules of his own national  
13                  court directed to that end.

14                  MR. LOGAN: I appreciate that, but I am trying  
15                  to point out how the method proposed by the prosecution  
16                  here will lead to an unfair trial.

17                  THE PRESIDENT: It will be our duty to prevent  
18                  an unfair trial.

19                  MR. LOGAN: One of the ways of doing that,  
20                  with all due respect to the Tribunal, is to prevent  
21                  the prosecution from building up its affirmative case  
22                  during the presentation of the evidence for these  
23                  accused.

24                  THE PRESIDENT: It may tend to lengthen the  
25                  trial, but I hesitate to say it would lead to an unfair

trial.

1           MR. LOGAN: I might point out, too, if the  
2 Tribunal please, with respect to this particular  
3 document which is offered against KIDO, that he has  
4 not identified this speech by HIROTA. He said he was  
5 not there.

6           During the course of testimony of HORINOUCHI,  
7 the Tribunal consistently refused to admit documents  
8 which were offered by the prosecution.

9           THE PRESIDENT: I had it in mind when I made  
10 a certain observation this morning.

11           MR. LOGAN: This case would never end if toward  
12 the end of the alphabet the prosecution continued to  
13 build up evidence with new documents which apparently  
14 they had in the presentation of their case and did not  
15 offer at that time.

16           MR. KEENAN: Mr. President, I do not desire  
17 to re-argue this matter, but I should like to point  
18 out two things: First, that we contend that the American  
19 rule is incorrectly stated by Mr. Logan, and it is a  
20 known fact that in all criminal prosecution the prose-  
21 cution continuously supplements its case during the  
22 defense in cross-examination of various witnesses.

23           THE PRESIDENT: We will recess for fifteen  
24 minutes.

(Whereupon, at 1045, a recess was taken until 1120, after which the proceedings were resumed as follows:)

**MARSHAL OF THE COURT:** The International

Military Tribunal for the Far East is now resumed.

THE PRESIDENT: The majority of the Court

have come to the following decision: If, in the course of cross-examination, a document is handed to the witness and he admits that it is his document and it is relevant and material; or, if in the course of the cross-examination, a document, not the document of the witness, is tendered to him and he admits the truth of the contents, the document may then be tendered by the cross-examining counsel and will be received in evidence.

The decision on the last document, the excerpt from the Japan Times and Mail of Friday, February 18, 1938, is revoked and the document is rejected. That is to say, it is rejected at this stage.

The Court also assures the defense, that, if in the course of cross-examination of the accused or other witnesses, some new matter is brought out prejudicial to an accused who has already closed his case, the Court will favorably consider an application,

1           a proper application, by that accused's counsel  
2           to receive further evidence in rebuttal.

3           Mr. Chief of Counsel.

4           BY MR. KEENAN (Continued):

5           Q    Do you remember the statement being made  
6           by the accused HIROTA on the 16th of February, 1938  
7           before the Diet or a branch of it?

8           A    I do not remember.

9           Q    Well, I haven't even told you what the  
10          remark was, yet. I would like to finish the question  
11          before you deny it.

12          The statement I have reference to in the  
13          question is: "However, the Imperial Government  
14          never meant to effect the compromise with the Chiang  
15          Regime."

16          A    I do not remember.

17          Q    Well, will you deny that he made such a  
18          statement at a session at which you were present?

19          A    I have no recollection of Foreign Minister  
20          HIROTA ever making a statement at a meeting at which  
21          I was present. That is, that the Foreign Minister  
22          HIROTA made such a statement at a meeting at which  
23          I was present.

25          Q    If that statement had been made, as I suggest  
it was, would it have been in accordance with the

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1 facts?

2 A I cannot positively believe it.

3 Q Do you know who IDA, I-D-A, Bannon was?

4 A Yes.

5 Q Who was he, briefly?

6 A He was a member of the House of Peers.

7 Q Do you recall that on 14 January, 1938,  
8 IDA, Bannon severely attacked the Imperial University  
9 at a session of the House of Peers?

10 A Yes.

11 Q He was a well-known Rightist, was he not?

12 A Yes.

13 Q Did you not, as Education Minister, at that  
14 time reply or comment upon this attack and agree with  
15 IDA's complaint?

16 A At that time I replied to the interpellation  
17 made by him, but did not agree with him entirely.

18 Q Do you recall that Baron HARADA, on 15 January  
19 1938, told you that your reply in the House of Peers  
20 might create a difficult situation for you later on,  
21 and that he was worried over the way you were acting?

22 A Is that on the 15th of January?

23 Q Yes, 1938.

24 A On that day, that is, the 15th of January,  
25 I do not think I had yet made any reply to IDA. The

1 session of the House -- the Diet reconvenes on the 21st  
2 of January.

2 In any event, I have no recollection of HARADA  
3 ever telling me that.

4 Q Do you recall that you replied to him that  
5 there were many behind the scenes reasons for your  
6 answer; that the Education Ministry must make some re-  
7 form in the Imperial University?

8 A I have no recollection of ever speaking to  
9 HARADA about that.

10 Q Do you recall that about 18 January 1938,  
11 HARADA warned you that you were losing ~~the con-~~  
12 fidence of the intellectuals if you didn't refrain  
13 from getting involved by doing everything according to  
14 the wishes of the Rightists?

15 I have reference to page 2035 of the Diary,  
16 if the Court please.

17 A I have no recollection whatsoever.

18 Q A remark of that kind, coming from Baron  
19 HARADA, your long-time friend, would have made an im-  
20 pression upon you -- a deep impression -- would it not,  
21 if it had been made?

22 A Well, HARADA and I met frequently and we have  
23 indulged in conversation on many different subjects, but  
24 I have no recollection of his ever saying anything

1           serious which I should preserve in my recollection;  
2           that is, anything of such a nature.

3           Q     Have you examined HARADA's diary for the  
4           14th of January 1938, in preparation for your own  
5           defense?

6           A     I did not examine it.

7           Q     There may be a question about the date, whether  
8           that took place in January or February -- your discussion  
9           with HARADA. Would that change your answer, regardless  
10          of what the date was, whether it was January or Feb-  
11          ruary?

12          A     My reply does not change.

13          Q     Do you recall that shortly after 26 February  
14          1938 you told HARADA that much difficulty was being  
15          encountered with the National Mobilization and  
16          Electric Power Bill?

17          A     I have no recollection.

18          Q     Well, do you have a recollection that there  
19          was legislation projected on national mobilization in  
20          the latter part of February 1938?

21          A     Yes, there was such a bill.

22          Q     And did you have anything to do with it? Did  
23          you attempt to bring it into effect?

24          A     I have no special recollection. I was not a  
25          competent minister directly in charge of such matters.

1           Q   Well, your answer would be to this Tribunal  
2   that as far as you recall you did not have anything to  
3   do with having it enacted?

4           A   Well, nothing arises in my mind. I have no  
5   recollection.

6           Q   Do you recall the general nature of the act it-  
7   self? It is exhibit 84 in this case.

8           A   Yes, generally.

9           Q   It was a decided move in the strong direction  
10   of totalitarian government at the time, was it not?

11          A   Nothing in the nature of totalitarianism wa~~s~~con-  
12   templated in connection with this law.

13          Q   Were you quite familiar with its provisions,  
14   as a Minister of State at the time?

15          A   No, I was not familiar with the details.

16          Q   Well, on the main parts of the law? I believe  
17   it covered some twenty-five pages of exhibit 84.

18          You used the word "details." Did you know what  
19   the law really provided for -- the essence of it?

20          A   Yes, an outline.

21          Q   Can you outline it briefly to us, as you recall  
22   what it was?

23          A   This was a law for the purpose of mobilizing  
24   the total powers of the nation and to utilize such powers  
25   effectively, and for this purpose various subsidiary

1 laws were created and effectuated. The National  
2 Mobilization Law was the basic law in this connection.

3 Q What was the mobilization for?

4 A This law was created in view of the existence  
5 of the Incidents in China, providing for production  
6 increases when and as necessary; not only production  
7 increases, but other vital matters relevant in connec-  
8 tion with this Incident.

9 C Were you for that law or were you against it  
10 or were you indifferent?

11 A With regard to this bill, it happens that I  
12 gave my approval because it was decided by the  
13 Cabinet.

14 THE MONITOR: Since it was decided by the  
15 Cabinet, in form it would be that I also approved of it.

16 A (Continuing) However, I did register my opposi-  
17 tion on the point that there was too much reliance on  
18 Imperial Ordinances.

19 THE MONITOR: That too much could be done by  
20 way of Imperial Ordinances.

21 A (Continuing) This question also became a very  
22 strong issue in the Diet. However, ultimately this law  
23 was approved by the Diet on the condition that a general  
24 mobilization deliberation **council** would be created in  
25 the Diet with many Members representing the Diet,

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1 permitting them to participate in the deliberations in  
2 connection with this law.

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1 Q Did you record your opposition to it in any  
2 public session of the Diet?

3 A Yes, I spoke on my position at the time this  
4 bill was decided upon at the cabinet meeting.

5 THE MONITOR: Strike out "Yes," please.

6 Q But you did not in any session of the Diet  
7 or in any place where it is recorded, I take it?

8 A No.

9 Q Do you happen to know whether you made any  
10 entry recording your opposition to this most import-  
11 ant bill in your diary anywhere?

12 A I don't think I have recorded it in my diary.

13 Q I think I have already asked you a question  
14 about Baron OKURA's statement in which he pointed out  
15 that "in the foreign press of late were published such  
16 articles as calumniated the Japanese military in the  
17 Shanghai-Nanking region."

18 MR. KEENAN: Can the witness have IPS docu-  
19 ment 3198-A?

20 (Whereupon, a document was  
21 handed the witness.)

22 MR. LOGAN: To save time, if the Tribunal  
23 please, if the prosecution intends to offer this docu-  
24 ment, which has already been referred to the witness,  
25 we have no objection to it.

1       Q   To complete the question: "... and observed  
2       that the sense of superiority of the Japanese  
3       people has been impressing foreigners none too favour-  
4       ably."

5            MR. KEENAN: In view of the suggestion of  
6       defense counsel, we will offer IPS document 3198-A  
7       in evidence, and we ask to have the volume that the  
8       witness is now examining marked for identification.  
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10          CLERK OF THE COURT: Volume of the Japan  
11       Times & Mail for January and February, 1938, will  
12       receive exhibit No. 3342 for identification only.

13           ("hereupon, the document above  
14       referred to was marked prosecution exhibit  
15       3342 for identification.)

16          THE PRESIDENT: The excerpt therefrom is  
17       admitted on the usual terms.

18          CLERK OF THE COURT: The excerpt therefrom,  
19       prosecution document 3198-A, will receive exhibit  
20       No. 3342-A.

21           ("hereupon, the document above  
22       referred to was marked prosecution ex-  
23       hibit 3342-A and received in evidence.)

24          Q   Mr. KIDO, your counsel has suggested that  
25       that be permitted to go in evidence, and you have it  
            before you now. Does it refresh your recollection

1       that you did hear that remark made in which the Baron  
2       pointed out that in the foreign press of late were  
3       published such articles as calumniated the Japanese  
4       military in the Shanghai-Nanking region?

5       A     As I have said once or twice before, I had  
6       no knowledge -- I had no recollection of this and no  
7       knowledge of this until I read this paper.

8       Q     Well, do you have any knowledge of that  
9       statement having been made by Baron OKURA now that  
10      you have read the article -- now that you see it is in  
11      the form of a question addressed to you, which the  
12      document, if correct, shows that you answered?

13      A     Yes, that is how it appears here.

14      Q     I still would like to get the answer from you  
15      now that your attention has been called to the fact  
16      that this remark was made and the question addressed  
17      to you that this document, which your counsel agrees  
18      to going in evidence, shows was addressed to you and  
19      answered by you. Does that now recall to your mind  
20      that such a statement was made in your presence on or  
21      about that time?

22      A     I cannot recall whether the expression used  
23      was the -- the expression used here was the expression  
24      used at the time the reply was made. But I find out  
25      now, upon reading this newspaper, that in view of the

fact that such a report appeared in the newspaper, I  
must have made such a reply along such lines.

Q If you made a reply, then you must have heard  
the question, in substance, as given, don't you think,  
or the remark of Baron OKURA to which you replied?

A I think so.

MR. KEENAN: With the permission of the  
Court, I will read into the record exhibit 3342-A.

"Excerpt from the Japan Times & Mail, Friday,  
February 18, 1938. Diet Proceedings.

"February 16. UPPER HOUSE:

"The House of Peers held a general meeting of  
its Budget Committee beginning at 10:17 a. m. Inter-  
pellation was started by Baron Kimmochi OKURA, Koseikai,  
who urged that the Nippon spirit of protecting the weak  
from the strong should be further promoted. The Baron  
pointed out that in the foreign press of late were  
published such articles as calumniated the Japanese  
military in the Shanghai-Nanking region, and observed  
that the sense of superiority of the Japanese people  
has been impressing foreigners none too favourably.  
In order to rectify the situation the Baron urged that  
the educational policy of the Government should be  
reformed so as to enhance the Nippon spirit in educa-  
tion from elementary schools to higher institutions.

1                 "Education Minister KIDO replied that there  
2 may be some Japanese nationals who show a mistaken sense  
3 of superiority to the Chinese. Such mistake must be  
4 corrected, and as education is also to account for such  
5 mistake, a reform of the educational system is necessary,  
6 the Education Minister added."

7                 THE PRESIDENT: What is your answer?

8                 THE WITNESS: Although I learned for the  
9 first time after reading this newspaper, I think such  
10 an interpellation and reply was made.

11                 THE PRESIDENT: We will adjourn until half-  
12 past one.

13                 (Whereupon, at 1200, a recess was  
14 taken.)

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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now in session.

THE PRESIDENT: Captain Kraft.

7 LANGUAGE ARBITER (Captain Kraft): If the  
8 Tribunal please, we submit the following corrections  
9 to the English transcription of the court record,  
10 17 October 1947: Page 31,235, line 24, delete "en  
11 bloc" and substitute "and plots"; page 31,236, line  
12 2, delete "blocs" and substitute "plots"; page 31,236,  
13 line 8, delete "blocs" and substitute "plots";  
14 page 31,246, line 12, delete "direction" and substi-  
15 tute "direct."

THE PRESIDENT: Thank you.

Mr. Chief of Counsel.

- 1 -

KOICHI KIDO, an accused, resumed the stand and testified through Japanese interpreters as follows:

## CROSS-EXAMINATION

BY MR. KEENAN (Continued):

Q When the remark was made about the slanderous, calumniating remarks about the conduct of the Japanese

1                   troops, instead of answering the question the way  
2                   you did, why didn't you direct an inquiry to the  
3                   speaker to ask him to what he referred?

4                   A    I have no recollection whether I asked him  
5                   such a question or not.

6                   Q    If you did, there is nothing in the record  
7                   to bear out such a fact, is there?

8                   A    The news report that was referred to me this  
9                   morning was not in question-answer form as you would  
10                  find in a transcript of proceedings but contained a  
11                  summary of the nature of the question asked and a  
12                  summary of the nature of the reply made. That is why  
13                  I said that I would not know what kind of words were  
14                  used at that time. Whether I used such words at that  
15                  time or not I do not know.

16                  Q    With your keen interest and declared purpose  
17                  of entering this cabinet for the purpose of bringing  
18                  about peace in China, would you not have been inter-  
19                  ested in any remark made in the House of Peers that  
20                  was slanderous as to the conduct of Japanese troops  
21                  at Shanghai and Nanking?

22                  A    As I have said once or twice before, I first  
23                  became aware of the nature of the subject you have  
24                  brought up when I referred to the news report this  
25                  morning, and for that reason I do not recall what was

1 asked me nor what I said in reply, if I did.

2 Q I am not willing to accept your word on  
3 that and I am pressing you on it and ask you, if  
4 you heard a remark made that slanderous remarks  
5 were being made about the conduct of Japanese troops  
6 at Nanking, with your high interest in bringing  
7 about peace, would not that have been of sufficient  
8 importance to cause you to make an inquiry and to  
9 find out what the Peer was talking about?

10 A Having only read the article for the first  
11 time this morning, I have no clear recollection and  
12 I may be mistaken -- there may be some mistake on my  
13 part in making a reply of this nature to you but in  
14 my recollection the question raised by Baron OKURA  
15 in the House of Peers, as my memory serves me, was  
16 not with reference to any slanderous Japanese remarks  
17 against the actions of the Japanese troops but with  
18 respect to the sense of superiority of the Japanese  
19 residents in China.

20 Q I am suggesting to you, if you hadn't known  
21 full well what Baron OKURA referred to when he  
22 pointed out that "in the foreign press of late were  
23 published such articles as calumniated the Japanese  
24 military in the Shanghai-Nanking region" -- if you  
25 hadn't known very well what he was talking about you

would have made a pointed inquiry and asked him,  
"What are you talking about?"

A At that time I did not know what the  
Japanese army was doing. I knew just this much,  
that the Japanese were apt to hold a sense of supe-  
riority vis-a-vis the Chinese people and hold the  
Chinese people in contempt, and it was to that, to  
such a question that I replied.

Q You knew that the City of Nanking, the  
capital of China, had been taken within a few weeks  
by the Japanese troops, had been taken and occupied  
by them, in a military move of considerable size,  
didn't you?

A Yes, I knew that.

Q And isn't it a fact, KIDO, that the frightful  
conduct of the Japanese troops involving thousands  
upon thousands of innocent Chinese civilians was well  
known to you at the time and that you and others here  
in this courtroom among the accused have engaged in a  
conspiracy of silence to refuse to admit that you had  
any knowledge thereof because of their very frightful  
nature and inexcusable type?

A No, that is entirely not so. We had not at  
any time been informed of such an incident.

1           Q     And does not the very language used and  
2     your own explanation now, and I am referring to the  
3     language used "calumniated," and your own admission  
4     that there was a sense of superiority exhibited by  
5     the Japanese troops show clearly that the word  
6     "calumniated" had reference to no such thing as mere-  
7     ly an exhibition of superiority of one nation against  
8     another?

9           MR. LOGAN: I object to that question, if  
10    the Tribunal please. Apparently the prosecutor has  
11    inadvertently misquoted what Mr. KIDO said. He did  
12    not say anything about Japanese troops. The exhibit  
13    clearly shows he was talking about Japanese nationals.

14           A     I did not say anything of the kind.

15           THE PRESIDENT: I understood the question  
16    to be, in effect, whether the words "calumniated the  
17    Japanese military" referred to the Nanking outrages  
18    or alleged outrages and not to some superiority com-  
19    plex of the Japanese people. But such a question is  
20    clearly admissible. The objection is overruled.

21           MR. LOGAN: If the Tribunal please, it was  
22    my understanding that the Chief Prosecutor said  
23    that KIDO spoke about Japanese troops in his answer;  
24    and, perhaps, if the question is read back, that  
25    might clarify it.

1           THE PRESIDENT: Of course, the question did  
2 imply that the minister, KIDO, at the time did not  
3 deny those things.

4           MR. KEENAN: Mr. President, may I withdraw  
5 the question and put a simpler one to comply with  
6 the counsel's request?

7           THE PRESIDENT: The simpler you make your  
8 questions, the better.

9           Q    I will ask you this question: Would you  
10 have considered, on the 17th of February, 1938,  
11 that a statement that the Japanese military had ex-  
12 hibited a superiority complex or superior attitude  
13 to the Chinese would have been a matter of calumny?  
14 Or, on the contrary, have you not in your own testi-  
15 mony admitted that the statement was more or less  
16 true that such superiority in feeling or complex  
17 had been made manifest by the Japanese in China?  
18

19           MR. LOGAN: I object to that, if the Tri-  
20 bunal please. I think one question at a time should  
21 be sufficient, not compound questions.

22           THE PRESIDENT: Well, unless the witness  
23 manifests a difficulty in answering, I do not pro-  
24 pose to interfere. Answer the question or questions  
25 if you can.

A   As I have said, in my reply to a question

posed to me by Baron OKURA there were some among the  
1 Japanese in China who were showing a sense of super-  
2 iority over the Chinese people and thus creating a  
3 very unfortunate and bad influence; that such ten-  
4 dency must be rectified. I was not including --  
5 I was not pointing to the army at all. I was point-  
6 ing to the Japanese people in general when I made  
7 such a statement.

THE MONITOR: I was not pointing to the  
9 army especially. The rest is okay.  
10

Q Well, is it not clearly apparent that, if  
11 the word "calumniated" had reference to the conduct  
12 of these Japanese in China, in your own opinion it  
13 was not justifiable and, therefore, that would not  
14 be a reasonable interpretation on your part of what  
15 that remarked referred to?

A I do not think so. What I said is that the  
18 question of Baron OKURA was addressed to me in my  
19 capacity as the Minister of Education. If the ques-  
20 tion which Baron OKURA had in mind concerned the  
21 army, then such a question would naturally have been  
22 addressed not to me but to the Minister of War.

Q Is there anything in the record presented  
24 that the question was presented to anyone in particu-  
25 lar, or is there anything other than the remark made

in the open session of the House of Peers?

1 A I do not fully comprehend the question.

2 But are you referring to Baron OKURA?

3 Q I am.

4 A That I do not know.

5 Q Did you, on the 17th day of February, 1938,  
6 in a session of the Diet proceedings, state "At  
7 present, military training is a regular subject for  
8 study at middle schools. Instructors are now suf-  
9 ficient, but efforts will be made to increase them.  
10 As regards the suggested council of military arts,  
11 a study will be conducted and endeavors will be  
12 made to realize it"?

13 THE MONITOR: From what document are you  
14 quoting, Mr. Keenan?

15 MR. KEENAN: I am quoting from IPS document  
16 No. 3199.

17 I am just asking a question of this witness  
18 and I wish you would listen to it.

19 THE MONITOR: Yes, we are listening. When  
20 you quote word by word from a document we have to  
21 follow it word by word in order to give an accurate  
22 translation. That is only fair.

23 MR. KEENAN: Mr. President, I find I cannot  
24 depend upon the language section to follow documents.

1 They have been furnished with them and they do not  
2 bring them up. I would respectfully ask the President  
3 of the Tribunal to instruct the language section that  
4 when a question is asked it is to be translated into  
5 the Japanese as requested by the counsel at the lectern.

6 THE PRESIDENT: That section have their  
7 instructions already. They have been given in the  
8 greatest detail. Yesterday for the first time I dis-  
9 covered they had failed, and I have been here now  
10 nearly eighteen months. I urge them to do their  
11 best. I am sure they are doing it.

12 I find these interruptions as annoying as  
13 you do, Mr. Chief of Counsel, but I also find it is  
14 very difficult to avoid most of them. We have been  
15 doing our best and have been, as I say, for eighteen  
16 months. The key men in both sections are capable  
17 Americans, carefully selected by the Supreme Commander.

18 MR. KEENAN: Does the Court mean personally  
19 or vicariously?

20 May we have the question answered by the  
21 witness? I haven't been able to get an answer in  
22 English.  
23

24 A I have no recollection as to what I said at  
25 what time.

M 1 Q Do you recall Mr. OTSUKA on that occasion  
o 2 stating that by the expression "quantitative promotion"  
s 3 he means to say of the necessity of promoting the  
& 4 military art among the people at large?

W 5 A No, that isn't in my recollection.

h 6 Q Was that not a part of the remark of Mr.  
e 7 OTSUKA to which you made a reply upon that day in the  
n 8 Diet?

9 A As a matter of fact I cannot recall the ques-  
10 tions and answers which took place between, as you say,  
11 OTSUKA and me.

12 MR. KEENAN: Language Section, do you have with  
13 you and available for use excerpt from SAIONJI and  
14 HARADA Memoirs Part 19, 28 April 1939, Chapter 323,  
15 IPS document No. 3150, 322A?

16 THE MONITOR: Yes, we do, sir.

17 Q I will ask the witness if he expressed the  
18 opinion or stated to HARADA on 20 April 1939 that the  
19 Emperor is a scientist and very much of a liberal as  
20 well as a pacifist. Did you so state?

21 A I have no recollection.

22 Q And did you not further add, "Therefore, if the  
23 Emperor's ideas are not changed there will exist quite  
24 a gap between His Majesty and the Army and rightist  
25 groups"?

A I do not think I have ever made such a statement whatsoever, and in the next place I have no recollection at all. I have no recollection of ever having made a statement of that nature. I respect the character and personality of His Imperial Majesty the Emperor most highly.

Q And did you not further state, "In the later years of Emperor KOMI's reign the Shogunate completely changed the officials around about the Emperor. Perhaps something along that line will occur. In order to lead the Army but still making it appear as if we were being led by them, we must also make it appear as if we understood the Army a little more."? Do you deny that you made that statement?

A I must say that I have no recollection whatsoever, and furthermore it isn't consistent with my personal ideas and convictions.

Q Well, in any event you deny flatly that you ever made that statement in those words or in substance, is that correct?

A As I have no recollection whatsoever, I am in no position to affirm that.

Q Well, I am not asking you whether you affirm it. I am asking you if it isn't so that you flatly deny it to this Court, that you ever made any such

1 statement to HARADA.

2 A I have no recollection of my saying anything  
3 of that kind to HARADA. However, I feel that HARADA  
4 might have been under a misapprehension when he penned  
5 such a statement as this.

6 Q Well, HARADA says in his diary, "KIDO also  
7 expressed the same opinion and during the conversation  
8 he said," and then follows these remarks. Do you say  
9 now that HARADA might have misunderstood you in so re-  
10 cording your remarks in this diary of his?

11 A I have no recollection of ever having made such  
12 a statement to HARADA and I do not know what HARADA's  
13 intentions were when he wrote a statement of this kind.

14 Q It would be rather a difficult thing for him  
15 to become mistaken about, wouldn't it, Mr. KIDO?

16 A I do not recognize much accuracy in the writings  
17 of HARADA. As I said the other day when another passage  
18 from HARADA's diary was quoted to me, HARADA has entered  
19 in the diary on the 27th of December what I had spoken  
20 on the 22nd -- 21st -- and in that manner there are  
21 many passages or many parts in his diary where he has  
22 penned his entries from his memory after a considerable  
23 lapse of time.

24 As to the question that has just now arisen,  
25 actually speaking there were among some people who

1 entertained views such as have been expressed here among  
2 the people and, this is purely an assumption on my part,  
3 but perhaps HARADA and I talked on some such subject  
4 that there were such sentiments among some people.

5 . Do you still say that, Mr. KIDO, if I inform  
6 you that the very next sentence in the diary is, and I  
7 quote, "When I was told these things by KIDO it was  
8 beyond my expectations so I was tempted to oppose him  
9 but kept quiet for I thought it would not do any good  
10 to argue with him now." Do you still say he had you  
11 confused with someone else?

12 A What I am trying to point out, that he mis-  
13 understood -- he probably misunderstood me when I was  
14 speaking about somebody else as having entertained such  
15 ideas.

16 Q Well, now, that entry was 20 April 1939. I  
17 will now ask you to recall what happened, if you can,  
18 22 September 1939, and this is IPS document No. 3150,  
19 292A. And I will ask you if on that date you didn't say  
20 to HARADA, "The present Emperor has too much of the  
21 scientist in him and has no sympathy for the ideas of  
22 the right wing. It is very troubling because he is too  
23 orthodox." Did you say that to him?

24 A I have absolutely no recollection whatsoever  
25 on that and I should think there is some mistake about it

1 somewhere. To the very last I am one of those who, by  
2 his duties, stood by his Emperor, holding the highest  
3 possible respect for this quality and character in His  
4 Majesty. I should think that because this particular  
5 passage has been so boiled down to just a few words  
6 there may be some misunderstanding in the entire story.

7 Q Do you think that Baron HARADA made mistakes  
8 just about his conversations with you or do you think  
9 it was a general failure that he had in reviewing his  
10 diary as you suggested you have done?

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1                   MR. LOGAN: If the Tribunal please, I object  
2 to a further continuation of this line of questioning.  
3 As we have explained before, this diary is perhaps  
4 the most controversial subject among Japanese people  
5 as to its translation alone. I have been informed  
6 in many, many instances the Japanese contains no sub-  
7 ject or predicate, just objects, and that the subjects  
8 and predicates have been inserted by the translators.

9                   It seems to me, if the Tribunal please, with  
10 due respect to the prosecutor and the Tribunal, that  
11 where cross-examination is conducted on some document  
12 the translation of which is extremely questionable,  
13 it is a frightful waste of time to continue the cross-  
14 examination on it.  
15

16                  THE PRESIDENT: Well, if a document is used  
17 by the learned Chief of Counsel, if he lays a founda-  
18 tion for its admission by this Court, then when the  
19 document is tendered it will be time enough to request  
20 that it be referred to the Language Arbitration Board.

21                  MR. LOGAN: I appreciate that, if the Tribunal  
22 please, but since the prosecution is examining this  
23 witness on portions of that diary which has not been  
24 marked for identification or even tendered in evidence,  
25 how can we possibly, as defense, on redirect call the  
accused's attention to something else that may be in

1 the diary?

2 THE PRESIDENT: It is evidence against him  
3 only when it is accepted here. No amount of cross-  
4 examination alone will make it evidence. When it is  
5 tendered here then we can have it referred for cor-  
6 rection if necessary and you should have no difficulty  
7 with your re-examination. It may even be necessary in  
8 the interests of justice to grant you a short adjourn-  
9 ment to enable you to prepare your re-examination. But  
10 that question does not arise yet.

11 MR. LOGAN: I appreciate that. But in the  
12 interest of saving time if the prosecution would have  
13 only advised us ahead of time and let us refer it to  
14 our language board, they could then examine them on  
15 something which has been approved by the language  
16 board. But to use something, a document, which is  
17 highly contested as to its translation, I think it is  
18 a waste of time.

19 MR. KEENAN: Mr. President, with great respect,  
20 I think it is high time we get some fundamental ideas  
21 settled about the scope and nature of cross-examination  
22 in this trial.

23 In the first place, Mr. President, I didn't  
24 want this document read from the language section. I  
25 wanted to ask this witness, as I did, "Did you on such

1 and such a date make a certain remark to a named  
2 individual, Baron HARADA." That is what I asked him.

3 THE PRESIDENT: No question arises at present  
4 as to the scope of cross-examination. No serious  
5 question has arisen so far. We haven't wasted ten  
6 minutes on such an issue. You are at liberty to pro-  
7 ceed with the cross-examination as you were doing  
8 when the learned counsel interrupted you. Put what-  
9 ever questions you wish for the time being.

10 MR. KEENAN: In the meantime, Mr. President,  
11 we have had to have this record filled, in a public  
12 hearing, with a slanderous statement about the trans-  
13 lation of this document with evidence given, or  
14 attempted to be given, from this lectern, which I  
15 submit, Mr. President, in fairness, with great respect,  
16 is not proper conduct.

17 THE PRESIDENT: If Mr. Logan believes what  
18 he has said he had a duty to point it out.

19 MR. KEENAN: I am quite content to let the  
20 record speak for itself on this matter, Mr. President.

21 Q Now, Mr. KIDO, UGAKI was Foreign Minister in  
22 the KONOYE Cabinet up to September 1938, is that not  
23 correct?

24 A Yes.

25 Q And on that date he resigned, did he not?

A I think he resigned toward the end of September.

Q And was not one of the chief reasons for his leaving the KONOYE Cabinet his objection to the formation of the China Affairs Board with the War Minister as vice-chairman, taking over from the Foreign Office the handling of China affairs?

A I do not know what kind of a resignation UGAKI submitted to Prince KONOYE.

Q It may be just a language difference, but I am asking if you do not know that that was the main reason, or one of the main reasons for his resignation?

A I have heard from KONOYE that the reasons were not clear, that is, the reasons for UGAKI's resignation.

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1           Q   Is that the best answer you can give as to  
2 whether or not UGAKI resigned as Foreign Minister  
3 because of the establishment of this China Affairs  
4 Board? Is that as definite as you can be and all the  
5 information you can give to the Court on that subject?

6           A   With regard to UGAKI's resignation, I was  
7 consulted by Prince KONOYE. At that time the question  
8 of the establishment of the China Affairs Board was  
9 quite a controversial issue, and very great efforts  
10 were made by the ministries concerned, namely, the  
11 War, Navy and Foreign Ministries, in order to put a  
12 plan together; and UGAKI suddenly tendered his resig-  
13 nation to KONOYE at the very moment this plan had been  
14 drawn up. Prince KONOYE told me, "I can't quite under-  
15 stand why UGAKI should resign. The plan has just  
16 been drawn up after consideration by the respective  
17 ministries." And Prince KONOYE, unable to understand  
18 the reason for UGAKI's action, consulted me and asked  
19 me whether he should not resign for his responsibility  
20 in recommending UGAKI as Foreign Minister.

21           Because of such circumstances, I made the  
22 reply to you as I did a while ago.

23           Q   After giving in on all other points, didn't  
24 UGAKI finally resign because the China Board was to  
25 take over affairs connected with unoccupied areas as well

1 as occupied China?

2 A I have not heard of such matters.

3 Q Did you discuss the matter of UGAKI's atti-  
4 tude at that time with Baron HARADA?

5 A I have no recollection.

6 Q And did you not, on or about the 22d day of  
7 September, 1938, state to Baron HARADA that UGAKI had  
8 selfish motives and that the matter was not progressing  
9 very favorably and that UGAKI was very ambitious and  
10 very difficult?

11 A I have no recollection of making such a  
12 statement. However, at that time the so-called UGAKI  
13 faction was active in various ways. That matter is  
14 taken up in my diary entry for the 7th of September,  
15 in which I point out KONOYE's anxieties and difficulties  
16 in this connection.

17 Q Do you have any notes before you now, Mr. KIDO,  
18 while you are testifying, or are you testifying from  
19 memory?

20 A No, I have nothing in my hands (indicating).

21 Q After UGAKI resigned, didn't you tell HARADA,  
22 on 29 September 1938, that UGAKI's action was inex-  
23 usable and he was very selfish?

24 A I have no recollection of whether I ever made  
25 such a statement. From what I have heard quoted from

HARADA's writings in the last few days, it appears  
1 that he uses extremely strong language; and, therefore,  
2 the way he represents things in so far as they concern  
3 me are quite out of line with the things I have actually  
4 spoken to him about; that is to say, that the usual  
5 tone in which I expressed my thoughts and ideas to him  
6 has been magnified many times in the stronger tones  
7 used by him in his entries.

8 Of course, such an atmosphere did exist at  
9 that time, but what Prince KONOYE told me then was that  
10 he was hard put to understand the reason why UGAKI  
11 tendered his resignation.  
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Q I wasn't asking you what KONOYE said to you.  
1 I was asking you what you said to HARADA, and I went  
2 to ask you specifically, having described as I under-  
3 stood in your affidavit a warm feeling of friendship  
4 toward HARADA, did that wane and did you become less  
5 friendly before his death?

A The friendship between HARADA and me has  
6 never changed.

Q And was HARADA a scholarly man?

A No, HARADA was a very active man, and he had  
9 a very good political sense. However, from his student  
10 days he was very poor at going about his studies sys-  
11 tematically, in an organized manner. His scholastic  
12 standing at school was not very good. However, he had  
13 a very strong trait, and that was his political activity,  
14 and it is that capacity in Baron HARADA that Prince  
15 SAIONJI utilized to the end of his days. And if I  
16 may be permitted to give my comment, the recording of  
17 such matters in his diaries was a matter which may be  
18 said to -- correction -- in so far as the recording of  
19 the diary is concerned, if I may be permitted to make  
20 my comment, he was extremely a poor hand.

Q What about Prince SAIONJI? Did he have a  
23 disorganized mind, and was he quite a bit of a  
24 politician, too?

1           A    No, Prince SAIONJI was an entirely different  
2           man. He was an eminent and very erudite statesman, and  
3           a very fastidious reader.

4           Q    He had Baron HARADA as his secretary and  
5           associate for a good many years, didn't he?

6           A    Yes.

7           Q    How many, about, would you say?

8           A    I do not remember exactly, but I think from  
9           around 1929 up to the death of Prince SAIONJI. How-  
10          ever, I might here state that HARADA broke down in  
11          health just about the time UGAKI failed to form his  
12          cabinet. And after that it is my impression that his  
13          political activity waned considerably, and during his  
14          period of convalescence there was a time when I took  
15          his place for about three or four months.

16          Q    Are you talking about HARADA now?

17          A    Yes.

18          Q    And in his talks with you, as you knew him  
19          over this long period of years, did he display the  
20          same tendency for strong remarks that were poorly  
21          organized, or was it just when he took his pen in hand  
22          to write down his thoughts that these traits exhibited  
23          themselves?

24          A    Such proclivities were not particularly  
25          notable in the first four or five years. However,

1 during the latter part of his life his health was  
2 almost constantly poor, and so while conversing with  
3 him there were times when I was unable, wasn't sure  
4 whether he was actually listening to me or not, or  
5 whether he was dozing off. And there were many occa-  
6 sions in which I woke him up from his lethargy by  
7 asking him, "Are you actually listening to me or not?"

8 Q Do you think, Mr. KIDO, that was because he  
9 was tired, or tired listening to the things you were  
10 saying?

11 A I do not think so because I have never con-  
12 ducted long conversations with HARADA.

13 THE PRESIDENT: We will recess for fifteen  
14 minutes.

15 (Whereupon, at 1445, a recess was  
16 taken until 1505, after which the proceedings  
17 were resumed as follows:)

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1            MARSHAL OF THE COURT: The International  
2         Military Tribunal for the Far East is now resumed.

3            THE PRESIDENT: Mr. Chief of Counsel.

4         BY MR. KEENAN (Continued):

5            Q      Were your feelings toward UGAKI unfriendly  
6         when he resigned from the Cabinet of KONOYE?

7            A      No, I did not entertain any specially  
8         unfriendly feelings toward him, but I felt quite  
9         displeased over the fact that the reasons for his  
10      resignation were unknown, as well as against the  
11      various movements being carried on by the so-called  
12      UGAKI faction.

13          Q      Is it a fact, Mr. KIDO, that there was a  
14      very bitter feeling between you and UGAKI at that  
15      time and thereafter?

16          A      No.

17          Q      Did you share these feelings expressed  
18      in the questions that I have asked in which you have  
19      said that you didn't so reply to HARADA, namely, that  
20      UGAKI was selfish, difficult?

21          A      As I have said once or twice before, the  
22      words used in the diary entries are extremely strong,  
23      but I may have said that UGAKI was ambitious. To  
24      that extent, I may have made some remarks. However,  
25      that was the feeling I expressed at the moment. Since

1 then, I have never entertained any unfriendly or  
2 bitter feelings toward him.

3 Q Do you know that General UGAKI had a  
4 favorite expression for one in your circle, "Ginza  
5 No Yotamono," and can you tell us who that was  
6 directed towards?

7 A I have not heard that even once.

8 Q The English equivalent of that is "Ginza  
9 Gangster," isn't it, Mr. KIDO?

10 A I suppose so.

11 Q When you were in the Cabinet of the accused  
12 HIRANUMA as Home Minister, was there a determined  
13 effort made to bring about a military alliance with  
14 Germany and Italy that ultimately became known as  
15 the Tripartite?

16 A Is that question with regard to the efforts  
17 of the Cabinet or do you mean my efforts?

18 Q First, in general, the efforts of the Cabinet.  
19 Did the Cabinet make some effort to conclude a military  
20 alliance with Germany and Italy, the HIRANUMA Cabinet?

21 A At that time the question was taken up and  
22 put under study by the Five Ministers Conference.

23 Q Did you know of their studies and of their  
24 efforts? Were you kept informed of what was going  
25 on in that direction?

A In the early stages, I received no information whatsoever as to that. However, toward the end of March the question of preservation of law and order came up as the Army became impatient regarding this matter. I think I have entered this in my diary of the date of April 14, but I heard of the situation of anxiety then existing from the Superintendent-General of the Metropolitan Police Board and so -- subsequently I made an inquiry on this very matter of the Prime Minister. Since that time, from time to time, I was consulted by the Prime Minister with regard to the question of preserving law and order. However, with respect to the contents, that is to say, the matters discussed by the Five Ministers Conference, I have not been informed at all. I was not a component member of that Conference and did not attend.

Q Was there a tendency upon the part of the Five Ministers to keep their studies and their efforts in the direction of the Tripartite Agreement secret from the other members of the Cabinet?

A No, there wasn't any special tendency to keep them secret, but I did not hear anything of the results of discussions of the Five Ministers

1 Conference.

2 Q Did you know that they were going on?

3 A Yes, I knew that.

4 Q Weren't you curious to find out what  
5 progress was being made in that very important  
6 matter?

7 A No, I did not entertain any such thoughts  
8 because everything was left up to the Five Ministers  
9 Conference and in addition to that, I was pretty  
10 much busily occupied in other matters over which I  
11 was placed in charge.

12 Q Had you given up your hope and ambition  
13 and keen interest in bringing about an end to the  
14 China War, for the purpose of which you went into  
15 the preceding cabinet?

16 A No, I had not lost them at all.

17 Q You were just as much interested in the  
18 HIRANUMA Cabinet in seeing the China invasion brought  
19 to a peaceful end as you were in the preceding cabinet?

20 A Yes.

21 Q And you did request the Premier, HIRANUMA,  
22 to exert his increased efforts towards attaining  
23 that military alliance with Germany and Italy, didn't  
24 you?

25 A The matter has been simply noted in my diary

KIDO

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1 and as I said in connection with this subject  
2 yesterday in my reply to a question from you,  
3 I, as an individual, did not approve of an  
4 alliance treaty, but this issue really loomed  
5 large some three months after the formation of  
6 the Cabinet. As an actual question, I was not in  
7 any position to oppose.

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1           Q Now, Mr. KIDO, I asked you a simple question.  
2 I asked you if it isn't a fact that you did request  
3 HIRANUMA, the Premier, to exert his increased efforts  
4 to bring about that military alliance. Did you or  
5 didn't you? Will you please answer the question  
6 directly without any more language than is necessary?

7           A Yes, I did. It is on that point that I am  
8 now trying to explain.

9           As I have stated yesterday, as an actual  
10 question, there was no choice but to conclude such  
11 a treaty. However, my counsel to Baron HIRANUMA was  
12 that the utmost care should be given in connection  
13 with the conclusion of such a treaty so as not to  
14 cause any unnecessary suspicion on the part of the  
15 United States and Great Britain and requested him to  
16 make his efforts along the lines suggested by me.

17           However, I felt that it would be most ill-  
18 advised if it went more than that, and I think my  
19 position on the subject is best expressed in my diary  
20 entry of the 2nd of May in which I record my interview  
21 with the Minister of the Navy wherein I state, in  
22 effect, "It is not necessary to conclude a treaty" --

23           THE INTERPRETER: Slight correction: "That  
24 it was not necessary to exert ourselves too much for  
25 the purpose of concluding such a treaty."

A (Continuing) That is all.

1 Q Are you finished?

2 A Yes, I have finished.

3 Q What was the relationship of the domestic  
4 situation with the military alliance with Germany  
5 and Italy?

6 A At first, there was no relationship. However,  
7 later on, as the matter reached no decision -- no  
8 decision was arrived at by the Five Ministers Con-  
9 ference, the voices became strong among the rightist  
10 elements and in a section of the Army that this, the  
11 conclusion of the treaty, should be put through  
12 a mass popular movement. At the same time, various  
13 threatening acts were also manifested toward the higher  
14 level of our statesmen, such as the Senior Statesmen,  
15 who opposed the conclusion of such a pact, and, as my  
16 diary entry of the 14th of April points out most  
17 succinctly, if some mistake or miscarriage -- if there  
18 is some miscarriage in the handling of this delicate  
19 question, then there was every possibility of an  
20 incident breaking out, such as that which followed  
21 the conclusion of the London Naval Treaty, resulting  
22 in the removal of our Senior Statesmen.

23 Q You mean removal by the process of assassin-  
24 ation?

1           A Yes, that is what I mean.

2           Q Well, did it occur to you at that time, Mr.  
3 KIDO, as a member of the cabinet, that before you  
4 straightened out the affairs over in China and started  
5 to embark on establishing new orders over in Europe  
6 and all over the world, that it might be a good thing  
7 to get your own house in order here in Japan so the  
8 government would have control of the action of carry-  
9 ing the desires of the people in a constitutional  
10 manner?

11          A That is a matter on which I gave my constant  
12 thought.

13          Q The HIRANUMA Cabinet fell, did it, because  
14 it failed to enter into a treaty of military alliance  
15 with Germany and Italy? Was that the main reason, do  
16 you think?

17          A The reason for the fall of the HIRANUMA  
18 Cabinet is to be found in the sudden conclusion of a  
19 non-aggression pact between Germany and the Union of  
20 Soviet Socialist Republics?

21          Q Did you know the accused OSHIMA at that time?

22          A No, I did not know him.

23          Q We have already discussed the matter of the  
24 fall of the YONAI Cabinet.

25                      Before coming to that, I would like to ask

1 you if one of the Senior Statesmen who was in danger  
2 of attack was UGAKI?

3 A I have no exact recollection, but that might  
4 have been included in connection with some instance.

5 Q Well, you have told us that the Army or  
6 rightist feeling was so strong that there was danger  
7 of assassination of some Senior Statesmen. Who did  
8 you have in mind?

9 A Principally, such men as Mr. IWASA, Lord  
10 Keeper of the Privy Seal, Mr. MATSUDAIRA, Minister  
11 of the Imperial Household Department, and former  
12 Prime Minister OKADA, to name a few.  
13

14 Q Well, the Lord Keeper IWASA was about to  
15 pass away from natural causes, wasn't he?  
16

17 A No, not at that time. I think Mr. IWASA  
died in December, 1940.  
18

Q And, was he not very ill -- was he not quite  
ill for some time before he died?  
19

20 A Yes, about a period of half a year.  
21

Q You were his chief secretary at that time?  
22

A I served under him as his chief secretary  
for about three months following his occupancy of the  
23 office.  
24

25 THE INTERPRETER: Instead of "occupancy," a  
slight correction: "assumption of the office."

K 1 Q SAIONJI died at what time?  
n 2 A I think it was in November, 1940.  
p 3 Q It was late in November, wasn't it?  
& 4 A I think it was the 24th.  
K 5 Q And you became Lord Keeper of the Privy  
a 6 Seal at what date exactly?  
p 7 A The first of June, 1940.  
e 8 Q What was the office then held by Prince  
a 9 KONOYE?  
u 10 A Do you mean at the time I assumed the post  
11 of Lord Keeper of the Privy Seal?  
12 Q Yes.  
13 A At that time Prince KONOYE was President  
14 of the Privy Council.  
15 Q You have described him in your affidavit,  
16 and I am using your language, as a weak man, is that  
17 not correct?  
18 A One of his defects was the weakness of his  
19 character.  
20 Q He was weak in character and he was not  
21 robust physically, was he?  
22 A He was not sick or ailing, but he wasn't  
23 especially a robust man.  
24 Q Did he not complain of illness constantly  
25 while he was Prime Minister the first time?

1 A Not constantly, but he often caught colds  
2 and stayed in at home.

3 O And he constantly threatened to resign during  
4 his first premiership, did he not?

5 A Yes, when any difficult question arose he  
6 frequently said, "I want to quit."

7 O How many times would you estimate, roughly,  
8 during his first premiership that he threatened to  
9 resign that you knew of?

10 A I think about four times, including the time  
11 when he actually resigned.

12 O That is, during his first premiership?

13 A Yes.

14 O When did you first discover that Prince KONOYE  
15 had a weak character?

16 A Well, I knew this tendency or nature in him  
17 from the time we were children.

18 O Well, it was your misfortune to be closely  
19 associated with three prominent men in the public life  
20 of Japan, each one of whom was either very old and feeble  
21 or weak in character? I refer to Prince SAIONJI,  
22 Baron I'ASE, and Prince KONOYE, is that correct?

23 A No, I don't think so. Prince SAIONJI was  
24 old, but he was incomparable in Japan as a farsighted  
25 statesman.

Q Let us eliminate him from the discussion,  
1 because I think that is one thing we can all agree  
2 upon. But Count MAKINO was the Lord Keeper when you  
3 became secretary, in 1930, and he was a pretty elderly  
4 man at that time, wasn't he?

A Yes, he was quite an elderly man.

Q And it wasn't very long, a matter of a very  
7 few years, before they attempted to assassinate him;  
8 that is correct, isn't it?

A Well, I think there was some lapse of time.  
10 I became his chief secretary in 1930 and the attempted  
11 assassination of Count MAKINO took place in 1936.

Q I am asking you if it wasn't a fact that you  
13 looked around to find some men who were either advanced  
14 in years or weak characters so that you could exert  
15 great political power through them, occupying an  
16 ostensibly inferior or subordinate position, isn't  
17 that true?

A I have never -- Such a thing never entered  
19 my mind. That is completely without foundation.

Q Now, at the time of the fall of the YONAI  
22 Cabinet there were very important things going on  
23 both in Japan and throughout the world, is that not  
24 true -- especially important things at that time?

A Well, I cannot quite understand what you

1                   are pointing to.

2                   Q Well, first of all, the China war was still  
3                   going on, wasn't it?

4                   A Yes.

5                   Q How many Japanese troops would you estimate  
6                   you had in China at that time? I am talking about the  
7                   middle of 1940.

8                   A I don't have the exact figures, but I think  
9                   it was somewhere around 500-to 600,000.

10                  Q But Hitler, of course you knew, was at that  
11                  time apparently successful in the European war?

12                  A Yes.

13                  Q And the army and the rightists, I take it,  
14                  were still urging military alliance with victorious  
15                  Germany?

16                  A Yes, such voices were heard.

17                  Q And that is really why the cabinet of YONAI  
18                  fell, because the military alliance with Germany and  
19                  Italy had not been effected?

20                  A The military alliance question alone was not  
21                  the reason for the fall of the YONAI Cabinet.

22                  Q It was one reason, wasn't it?

23                  A Well, I don't have any exact recollection  
24                  whether the concrete question of a military alliance  
25                  with Germany and Italy was up then, but I have heard

1           that in concluding some such alliance with Germany,  
2 YONAI -- that in entering into some such alliance with  
3 Germany the nature of the YONAI Cabinet was not exped-  
4 ient.

5           Q    YONAI opposed a military alliance with Ger-  
6 many and Italy, didn't he?

7           A    Well, at that time I did not hear that the  
8 military alliance question was one of the questions  
9 faced by the YONAI Cabinet.

10          Q    Don't you know that YONAI emphatically op-  
11 posed a military alliance with Germany and Italy and  
12 Japan?

13          A    Yes, he was very strongly opposed when in  
14 the HIRANUMA Cabinet, and hence I do not believe that  
15 YONAI approved of an alliance pact between Japan,  
16 Germany, and Italy. What I have been trying to tell  
17 you is that I do not know -- I did not know and I  
18 don't know whether the YONAI Cabinet actually handled  
19 the military alliance question as an actual cabinet  
20 issue.

21          Q    YONAI was known to you to be an exceedingly  
22 strong and even stubborn man, isn't that true?

23          A    Well, I don't know whether the characteriza-  
24 tion "stubborn" would apply to him, but I can say that  
25 he was a man of strong character.

1 Q He wasn't in any way vacillating that you  
2 were ever able to observe?

3 A Oh, I agree with you.

4 Q The army during the YONAI Cabinet wanted  
5 military alliance with Germany, didn't it?

6 A I haven't heard that the army was making  
7 strong demands for an alliance preceded by the word  
8 "military." However, it is a fact that the army was  
9 quite impatient about bringing about a closer rapproche-  
10 ment between Japan and Germany.

11 Q What kind of closer rapprochement do you  
12 understand the army wanted brought about with Germany?

13 MR. LOGAN: If the Tribunal please, I do not  
14 know how many times the prosecutor intends to cross-  
15 examine this witness on the same matters, but on page  
16 31,353 of the record, October 20, this was fully ex-  
17 plained once before on cross-examination by Mr. Keenan.

18 Q Will you please answer the question?

19 A May I have the question repeated?

20 MR. LOGAN: I objected to that as being  
21 repetitive.

22 MR. KEENAN: There wasn't any objection made.

23 MR. LOGAN: I made an objection.

24 THE PRESIDENT: You had better refer to the  
25 particular passage at the page you mentioned.

1                   MR. LOGAN: Not only that, but the question  
2 preceding that was also asked. Page 31,353:

3                   "Q    "hat was it? "as it against the mili-  
4 tary alliance of Japan with Germany, or was it indif-  
5 ferent, or was it for it?"

6                   Here is the answer on the rapprochement:

7                   "A    Toward the end of the YONAI Cabinet,  
8 relations with Germany were approaching a state of  
9 rapprochement, and there were strong contentions that  
10 the conclusion of alliance would be going too far. And  
11 it was in that regard, in my recollection, that there  
12 was a wide divergence of opinion with the army.

13                  "Q" -- and this question is practically word  
14 for word identical with the previous question which he  
15 just asked -- "The army wanted a military alliance with  
16 Germany, didn't it, at that time?

17                  "A    My understanding is that the army was in  
18 favor of a military alliance."

19                  The Tribunal will probably recall that there  
20 were many minutes of time and pages of the record  
21 devoted to this entire matter of the YONAI Cabinet on  
22 October 20.

23                  THE PRESIDENT: You do appear to have covered  
24 the matter before, Mr. Keenan.

25                  MR. KEENAN: Mr. President, first of all, I

1 think counsel intends to be fair, but as to the first  
2 question he said I covered, he is wrong and I will  
3 read from the record.

4 THE PRESIDENT: It will save time if you  
5 are allowed to put the question again, assuming it  
6 was put, because it is objected to only on the ground  
7 of repetition. There is no objection on the ground  
8 of prejudice.

9 MR. KEENAN: Mr. President, I don't want  
10 to be contentious, but I don't like to be badgered  
11 around by counsel and I want to state that this record  
12 has been incorrectly read by him in the first instance.

13 Here is the question on page 31,352:

14 "Q Well, can you answer the question? Was  
15 the cabinet known to be against the military alliance?

16 "A I explained it in the way I did because  
17 it did not come out outwardly -- the attitude of the  
18 cabinet did not come out outwardly as opposed.

19 "Q Well, inwardly; did you know about it  
20 yourself?

21 "A Yes. generally so.

22 "Q What was it? Was it against the military  
23 alliance of Japan with Germany, or was it indifferent,  
24 or was it for it?"

25 That is the question Mr. Logan read from

1           this lectern, the first one.

2           Mr. President, no one in this courtroom wants  
3           to get along with this case more speedily than I do,  
4           but I don't like to have representations made in court  
5           that I am repeating questions when the record does not  
6           support it. I don't think it is fair. I am asking  
7           a preliminary question about the army.

8           Q      Was the army at the time of the fall of the  
9           YONAI Cabinet or just prior thereto strongly advocating  
10          a military alliance with Germany and Italy?

11          MR. LOGAN: I object to that, if the Tribunal  
12          please, on the ground that it is repetitive and preju-  
13          dicial. Practically the same question appears on  
14          page 31,353 of the record.

15          THE PRESIDENT: It has already been put; you  
16          can't be prejudiced, so to save time we will allow the  
17          question to be put again.

18          (To the witness) Answer the question.

19          THE WITNESS: May I have the question repeated,  
20          please?

21          (Whereupon, the interpreter spoke in  
22           Japanese to the witness.)

23          A      (Continuing) In my recollection I don't think  
24          they strongly advocated it: that is to say, that these  
25          quarters desired to create closer relationship with

1 Germany so that they may talk over common matters  
2 more intimately, and that in this case the YONAI  
3 Cabinet was insufficient as well as inconvenient,  
4 that it is a fact that in some sections there were ad-  
5 vocates of a military alliance.

6 Q What do you mean by the term "inconvenient"?

7 A By that I mean that in handling questions of  
8 this nature the cabinet was unsuitable by its very  
9 nature and construction.

10 THE PRESIDENT: We will adjourn until half-  
11 past nine tomorrow morning.

12 (Whereupon, at 1600, an adjournment  
13 was taken until Thursday, 23 October 1947, at  
14 0930.)

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